

IN RE: PETITION FOR ZONING VARIANCE
W/S Southwick Drive, 194' S
of Southwick Court
(928 Southwick Drive)
9th Election District
4th Councilmanic District

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-195-A

Roland Kahla, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard, with a side yard setback of 1 foot in lieu of the required 5 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Roland Kahla, appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of December, 1988 that the Petition for Zoning

Variance to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard, with a side yard setback of 1 foot in lieu of the required 5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for Baltimore County

JRH:bjs
cc: People's Counsel
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333 497-3353

December 1, 1988

Mr. & Mrs. Roland Kahla
928 Southwick Drive
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
W/S Southwick Drive, 194' S of Southwick Court
(928 Southwick Drive)
9th Election District - 4th Councilmanic District
Roland Kahla - petitioners
Case No. 89-195-A

Dear Mr. & Mrs. Kahla:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs
cc: People's Counsel
File

#143
12/18/88

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-195-A

The undersigned, legal owner(s) of the property situated in Baltimore County, and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 (1955) TO ALLOW AN ACCESSORY STRUCTURE (garage) to be located in the side yard with a side setback of 1 ft. in lieu of the rear yard with a required 5 ft. side setback respectively.

1. Due to a new addition under construction, the back yard was re-defined as a side yard and thus the need for a Variance.
2. The garage would have been in the back yard if the permit for it had been requested before the permit for the addition. However the garage has to be built after the addition to allow access for large trucks.
3. To keep the garage in reasonable alignment with the drive way, a 1 ft. setback in lieu of 5 feet is requested.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.: _____ Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County this 19th day of October, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in the newspaper of general circulation throughout Baltimore County, the property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 110 of the County Office Building in Towson, Baltimore County, on the 30th day of November, 1988, at 11 o'clock A.M.

Petition for zoning variance.
928 Southwick Drive
Towson, Md. 21204.

ZONING DESCRIPTION

Beginning at a point on the west side of Southwick Drive. Said point being 194 feet as measured along the west side of Southwick Drive from the northwest corner of Southwick Drive and Southwick Court. Being Lot 14, Block F in the subdivision of Campus Hills, Section South-III-B, Flat Book CIB No. 22 Folio 83. Also known as 928 Southwick Drive in the 9th Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Date of Posting: 11/14/88

Posted for: Variance
Petitioner: Roland Kahla, et ux
Location of property: 928 Southwick Drive, 194' S of Southwick Ct.
Location of sign: Front - Southwick Drive, across 20' side yard
Remarks: on property of Petitioner
Posted by: M. Haines
Number of Signs: 7

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Roland Kahla
928 Southwick Drive
Towson, Maryland 21204

Re: Petition for Zoning Variance
CASE NUMBER 89-195-A
W/S Southwick Drive, 194' S of Southwick Court
(928 Southwick Drive)
9th Election District - 4th Councilmanic District
Petitioner(s): Roland Kahla, et ux
HEARING SCHEDULED MONDAY, NOVEMBER 20, 1988 at 11:00 a.m.

Date: 11/1/88

Please be advised that \$16.40 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearing. A check scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CHECK RECEIPT

DATE: 11/30/88 AMOUNT: 116.40 NO. 058973

PAID TO: Roland Kahla
BY: Barry Allen 11/30/88
FOR: 89-195-A

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 10, 1988

THIS IS TO CERTIFY, that the amended advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Nov. 10, 1988.

THE TOWSON TIMES
THE JEFFERSONIAN,
Publisher

PO 05807
NY 120401
case 89-195-A
page 101.04

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

October 17, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 110 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER 89-195-A
W/S Southwick Drive, 194' S of Southwick Court
(928 Southwick Drive)
9th Election District - 4th Councilmanic District
Petitioner(s): Roland Kahla, et ux
HEARING SCHEDULED MONDAY, NOVEMBER 20, 1988 at 11:00 a.m.

In order to allow an accessory structure (garage) to be located in the side yard with a side setback of 1 foot in lieu of the rear yard with a required 5 foot side setback.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Roland Kahla, et ux
File

IF PHASE II OF THE SHOW STOPPING LAW IS IN EFFECT IN BALTIMORE COUNTY BY 8:30 A.M. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, DECEMBER 22, 1988. PLEASE TELEPHONE CDDCT CLERK AT 494-3331 TO CONFIRM DATE.

Baltimore County
Deputy Zoning Commissioner
Office of Planning and Zoning
Towson, Md. 21204

Dear Mrs. Nastarowicz:

My 84 year old, physically handicapped mother's condition is deteriorating, she no longer can maintain her own household, and has to move into my home. To accomodate her my husband and I are in the process of building a ground level addition attached to the kitchen of the house. The construction of a garage and storage room is also part of the project. The permit for the addition was applied for and granted, but the garage has to be built after the addition since it would have blocked access for the trucks.

When applying for the permit for the garage we were informed that this application should have been first, that the location for the garage has been redefined from back-yard to side-yard, and a variance is required.

I am requesting that the necessity of a variance is waived since only the technicality of which permit was requested first seems to necessitate a variance.

However if a waiver cannot be granted, I am asking for a solution, so the construction can begin at the earliest time possible. The delay causes logistic problems and adds to the cost of the construction.

It is understood that with the waiver the garage's planned location is considered as a back-yard, thus it can be built within 1 foot of the property line, to which the adjoining neighbor has no objection. It also conforms to the protective covenants of the Campus Hills Community Association.

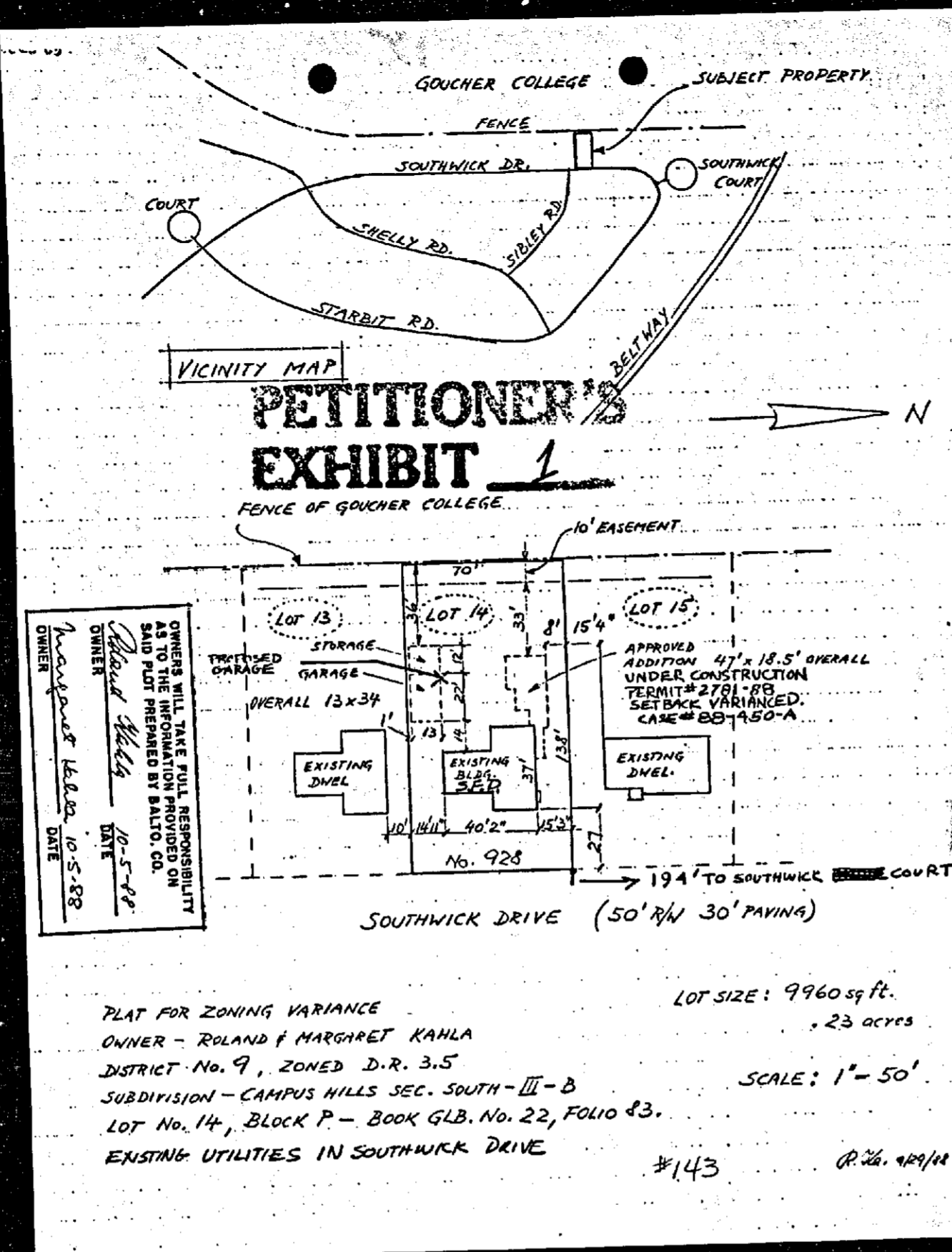
If a Zoning Variance is necessary, please process the enclosed petition the fastest way possible.

Sincerely yours

Margaret Kahla
Margaret Kahla

RECEIVED ZONING OFFICE
DATE: 10/5/88

October 5, 1988



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 16, 1988

COUNTY OFFICE BLDG.
121 W. Chesapeake Ave.
Towson, Maryland 21204

080

Mr. & Mrs. Roland Kahla
928 Southwick Drive
Towson, MD 21204

RE: Item No. 143; Case No. 89-195-A
Petitioner: Roland Kahla, et ux
Petition for Zoning Variance

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

Dear Mr. & Mrs. Kahla:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee, at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:acj

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

October 28, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 121, 140, 141, 143, 146, 148, and 149.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Engineering Associate

MSF/lvw

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204



89-195-A

Petitioner's Exhibit